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The Gazette of India

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इस भाग में अलग पृष्ठ संख्या दी जाती है जितते कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 28th February, 1992:—

I

BILL No. II of 1992

*A Bill to provide for total prohibition and for matters connected therewith.*

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

- |                                                                                                                                                                                          |                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 1. (1) This Act may be called the Prohibition Act, 1992.<br>(2) It shall extend to the Union territories only.<br>(3) It shall come into force at once.                                  | Short title, extent and commencement.                  |
| 2. The Central Government shall, with effect from the commencement of this Act, impose and enforce total prohibition of the consumption of intoxicating drinks in the Union territories. | Imposition of prohibition.                             |
| 3. No person shall manufacture, sell, purchase, distribute or consume alcohol or any other intoxicating drink in any Union territory.                                                    | Banning of manufacture and sale of alcoholic products. |

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Punish-  
ment

4. Any person violating the provisions of section 3 shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding rupees five thousand or with both.

Power to  
make  
rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

**STATEMENT OF OBJECTS AND REASONS**

Law and order situation is deteriorating day by day in our country. Incidents of rapes and molestation of women are increasing. Motor vehicle accidents are also increasing. In most of these cases consumption of liquor is found to be the main cause. Liver, gastric and other health disorders are also caused by liquor consumption. It is also one of the reasons for the failure of poverty alleviation programmes in the country. Therefore, it is high time that a legislation should be introduced for imposing total prohibition in the Union territories in the first instance. Thereafter, the States may also follow suit and impose total prohibition there.

Hence this Bill.

NARREDDY THULASI REDDY.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## II

## BILL NO. III OF 1992

*A Bill to provide for certain welfare measures to be undertaken by the State for handloom weavers in the country and for matters connected therewith.*

BE it enacted by Parliament in the forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Handloom Weavers (Welfare) Act, 1992.  
Short title,  
extent  
and  
commencement.  
(2) It extends to the whole of India.  
(3) It shall come into force at once.
2. In this Act, unless the context otherwise requires,—  
Definitions.  
(a) "appropriate Government" means in the case of a State, the State Government and in other cases the Central Government;  
(b) "Authority" means Handloom Weavers Welfare Authority established under section 3;

(c) "handloom" means any loom other than powerloom as defined in clause (g) of section 2 of the Factories Act, 1948;

63 of 1948.

(d) "prescribed" means prescribed by rules made under this Act,

(e) "weaver" means a person engaged in the production of cloth on handloom and includes a person who owns, works or operates on a handloom for the production of cloth;

(f) "worker" means a handloom worker, whether male or female, who earns wages on daily or any other basis by working on a handloom.

3. (1) The appropriate Government shall, as soon as may be, by notification in the Official Gazette, establish a Handloom Weavers Welfare Authority for the areas within its jurisdiction.

(2) Every Authority established under sub-section (1) shall have such set up and such powers as the appropriate Government may, from time to time, determine.

4. Every Authority shall,—

(a) maintain records of handlooms existing in all the villages, districts and other places falling within its jurisdiction;

(b) maintain a district-wise register of handloom weavers and handloom workers with such particulars and in such manner as may be prescribed;

(c) regulate the service conditions of workers in such manner as may be prescribed;

(d) fix minimum wages for workers from time to time;

(e) encourage and provide all necessary assistance to handloom weavers' co-operatives and for their democratic functioning;

(f) make suitable arrangements for purchase of handloom cloth by the Textile Development Corporation or other Governmental agencies at cost price and on a cash and carry basis;

(g) The Authority shall perform such other functions as may be assigned to it by the appropriate Government from time to time.

5. With effect from such date as the appropriate Government may, by notification in the Official Gazette appoint in this behalf, there shall be established a Handloom Weavers Welfare Fund, moneys into which shall be given by the appropriate Governments after due appropriation made by Parliament and Legislature of the State, as the case may be, from time to time, and the said fund shall be managed by a Board of Trustees appointed under section 6.

6. The Board of Trustees shall have one Chairman, who shall be nominated by the appropriate Government and as many other members as are required, in the opinion of the appropriate Government, to manage the fund but at least one half of the members shall be elected from the representatives of organisations devoted to safeguarding the interests of handloom weavers in the country.

Establishment of Handloom Weavers' Welfare Authority.

Functions of Authority.

Establishment of Handloom Weavers' Welfare Fund.

Board of Trustees.

- 7.** The welfare fund shall be spent on,—
- (a) providing interest free consumption loans, to handloom weavers from time to time;
  - (b) making *ex-gratia* payments at the prescribed rates to each of the bereaved families of handloom weavers who die prematurely;
  - (c) providing loans at nominal interest for purchasing cotton yarn and other necessary raw materials;
  - (d) insuring all the handlooms and handloom weavers;
  - (e) such other welfare measures as may be prescribed.
- 8.** It shall be the duty of the Central Government to assure the regular supply of yarn to the handloom weavers at subsidised rates throughout the country.
- 9.** The appropriate Government and all its departments shall purchase their entire cloth requirement for dusters, curtains, table cloth and such other things exclusively from the primary handloom weavers and not from the mills and powerloom sector.
- 10.** Notwithstanding anything contained in any other law, for the time being in force, the export of Cotton and Cotton Yarn is hereby banned.
- 11.** The appropriate Government shall appoint as many Inspectors, Welfare Officers and such other Officers and staff as it considers necessary for carrying out the purposes of this Act.
- 12.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.
- 13.** If any difficulty arises in giving effect to the provisions of this Act, the appropriate Government may make such orders to give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty experienced in the working of this Act.
- 14.** The Central Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.

Application of Fund.

Central Government to ensure regular supply of yarn.

Government departments to purchase their cloth requirements from primary handloom weavers co-operatives or handloom weavers.

Ban on export of Cotton and Cotton yarn.

Appointment of Inspectors etc.

Saving of other Laws.

Power to remove difficulties.

Power to make Rules.

## STATEMENT OF OBJECTS AND REASONS

There are lakhs of handloom units in the country wherein millions of weavers work to earn their livelihood. These units are mainly concentrated in Andhra Pradesh, Tamil Nadu, Uttar Pradesh, Bihar, Madhya Pradesh but in fact handloom units are located in every part of the country. For handloom weavers it is their family profession and it is undertaken by generation after generation and the entire family is involved in it. Apart from the handloom weavers who produce cloth on handloom there are lakhs of people engaged in ancillary processes such as dying, bleaching, mercerising, calendering, embroidering, printing etc. For all these people handloom is the only source of livelihood.

However, the handloom sector is at the verge of extinction. There are various reasons for it. The foremost is non availability of cotton yarn at reasonable prices. The prices of cotton yarn have gone up so menacingly that it has become impossible for ordinary weavers to purchase cotton yarn from the market which has led to the closure of their units. The main reasons for the price spurt in cotton yarn is the export of cotton and cotton yarn. Other reasons include non purchase of handloom products by Government departments resulting in their exploitation by private traders, non availability of loans at minimum interest resulting in their exploitation by money lenders, absence of any welfare fund for the handloom weavers and the absence of any statutory authority to watch their interest.

Similarly the setback being faced by handloom sector is due to the invasion of powerloom sector and cloth mills whose lobby is so strong that the handloom sector cannot match it in any field. This lobby is responsible for the non implementation of the Handlooms (Reservation or Articles for production) Act, 1985 because they have obtained an injunction from the court and so far Government has not been able to get it vacated from the court. Thus the very purpose of enacting the Act has been defeated and the handloom sector is likely to vanish in the near future if no remedial action is taken in this regard.

As a result of frustration the Handloom Weavers are committing suicides in many parts of the country. Andhra Pradesh is very much ahead in this regard. Reports of many starvation deaths of handloom weavers have come to light. Thus remedial action is urgently required. It is, therefore, proposed in this Bill to appoint Handloom Welfare Authority, establish a Welfare fund for them and make it compulsory for Government departments to purchase only handloom cloth, maintain regular supply of Cotton Yarn at reasonable prices and put a ban on the export of Cotton and Cotton Yarn. These steps, if implemented, may improve the lot of handloom weavers to some extent and give some desired relief to them which may ultimately save them from starvation and committing suicides.

Hence this Bill.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Handloom Weavers Welfare Authority. Clause 5 provides for the establishment of Handloom Weavers Welfare Fund. Clause 6 provides for Board of Trustees. Clause 11 provides for the appointment of Inspectors. The Bill, if enacted, will involve expenditure from the consolidated fund of India. It is estimated that it may likely to involve recurring expenditure to the tune of two hundred crores rupees per annum.

A non-recurring expenditure of rupees fifty crores is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for giving effect to the provisions of this Bill which will deal with matters of details only.

As such the delegation of legislative power is of normal character.

## III

## BILL No. V OF 1992

*A Bill to provide for the establishment of an autonomous Authority for the overall development of the economically and educationally backward areas of the country and for matters connected therewith.*

BE it enacted by Parliament in the Forty-third year of the Republic of India as follows:—

1. (1) This Act may be called the Backward Areas Development Authority Act, 1992.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) "Authority" means the Backward Areas Development Authority established under section 4;

(b) "Government" means the Central Government;

Short  
title  
and  
commencement.

Defini-  
tions.

(c) "Prescribed" means prescribed by rules made under this Act.

**3. The Government shall in consultation with the Governments of the States and Union Territory Administrations, by notification in the Official Gazette, declare such areas of the country which in the opinion of the Government are economically and educationally backward.**

Government to  
Declare  
backward  
areas.

**4. (1) With effect from such date, as the Government may by notification in the Official Gazette, appoint, in this behalf, there shall be established an Authority to be called the Backward Areas Development Authority.**

Establish-  
ment  
of  
Backward  
Areas  
Develop-  
ment Au-  
thority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract, and shall by the said name sue and be sued.

(3) The head office of the Authority shall be at Patna in the State of Bihar and the Authority may, with the previous approval of the Government establish offices at other places in the country.

**5. The Authority shall consist of the following members,—**

Composi-  
tion of  
the Au-  
thority.

(a) Prime Minister, who shall be the *ex-officio* Chairman;

(b) a vice-Chairman to be appointed by the Government;

(c) five members of Parliament representing Backward areas of whom three shall be from the Lok Sabha and two from the Rajya Sabha, to be elected by the Members of the respective Houses;

(d) eleven members to be appointed by the Government to represent the following Ministries/Departments of the Union,—

- (i) Planning Commission;
- (ii) Agriculture and Rural Development;
- (iii) Industry;
- (iv) Finance;
- (v) Railways;
- (vi) Communications;
- (vii) Surface Transport;
- (viii) Education;
- (ix) Welfare;
- (x) Irrigation; and
- (xi) Power;

(e) not more than seven Members to be appointed by the Government by rotation in alphabetical order to represent the Governments of the States having the Backward areas;

(f) two members to be appointed by the Government who in its opinion are experts in various fields of economic development.

Officers,  
em-  
ployees  
and  
other set  
up of  
the Au-  
thority.

Au-  
thority  
to ensure  
all round  
develop-  
ment of  
back-  
ward  
areas.

Funds of  
the Au-  
thority.

Develop-  
ment  
Fund.

Annual  
Report  
to the  
President  
of  
India.

Power to  
make  
rules.

**6. The Authority shall have such Officers, employees and other set up including the conditions of service of such officers and employees as the Government may determine from time to time for the efficient functioning of the Authority.**

**7. (1) The Authority shall ensure, by such measures as it thinks fit, the allround development of economically and educationally backward areas of the country.**

**(2) Without prejudice to the generality of the foregoing provision, the Authority shall take measures for the development, particularly of free investment industrial centres with immunity for investments, and of railway, roads, post and telegraph and other means of communications, agriculture and irrigation facilities by constructing wells etc. industries, banking, drinking water facilities, hydel, solar and wind power, forests, livestock, co-operatives particularly milk and poultry co-operatives, health services, family welfare, education through chain of schools and colleges, vocational training and tourism in all the backward areas of the country.**

**8. The Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the development works to be undertaken by the Authority and for the administrative expenses of the Authority.**

**9. The Authority shall have a fund to be called the Development Fund to which shall be credited all moneys received from the Government for the purposes of development of the backward areas and all payments by the Authority towards development expenditure shall be made therefrom.**

**10. The Authority shall submit an annual report, in such form and in such manner as may be prescribed of its activities of development in backward areas of the country to the President of India who shall cause the report to be laid before both the Houses of Parliament, as soon as may be, after it is received by him.**

**11. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

### STATEMENT OF OBJECTS AND REASONS

After independence when we launched our first Five Year Plan the need for levelling down the economic disparities between various parts of the country was felt by everyone. As such the accelerated development of backward areas with a view to reduce the regional imbalance became one of the main national objectives in all our five year plans thereafter. But unfortunately even after 44 years of independence the economic disparities among various regions in the country have not only persisted but have also increased. Another dimension has been added to economic backwardness by Educational backwardness. It has been noticed that educational backwardness has increased immensely in economically backward areas. The glaring example in this regard is the State of Bihar. Having the largest deposits of minerals in the country it has remained economically backward in comparison to other States due to the apathy of the successive Central and State Governments. As a result it is the most backward State in the field of education also. According to interim census data of 1991 Bihar has the largest illiterate population in the country. This clearly shows that the nation has not paid the required attention to the development of its backward areas. In fact such areas have become more backward in the course of time.

The development of backward areas in the country should be our prime concern. That is why our most respected and beloved leader the late Shri Rajiv Gandhi had promised in the 1991 Election Manifesto of the Congress Party to establish one free investment industrial Centre in every declared Backward District with immunity for Investments made, within the first 365 days of the Congress coming to power. It is hoped that the Government will certainly ensure time bound development of all the backward areas in the country. For this objective an autonomous Authority should be established which would be responsible for planning and implementation of area based package programmes in co-ordination with the Planning Commission, Central Government and State Governments. Such a step will ensure accelerated development of backward areas in the country.

Hence this Bill.

S. S. AHLUWALIA.

### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Backward Areas Development Authority Clause 6 provides for officers, employees and other set up of the Authority. Clause 8 provides for the funds of the Authority. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. At this stage it is not possible to calculate the exact expenditure on this account but it is estimated that a recurring expenditure to the tune of rupees one thousand crores is likely to be involved from the Consolidated Fund of India per annum. A non-recurring expenditure of about rupees one crore is also likely to be incurred.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of normal character.

## IV

### BILL No. IV OF 1992

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1992. Short title and commencement.
- (2) It shall come into force with immediate effect.
2. In article 343 of the Constitution,—
  - (i) in clause (1) for the words "the international form of Indian numerals" the words "the Devanagari form of numerals" shall be substituted;
  - (ii) in clause (3) for sub-clause (b) the following sub-clause shall be substituted namely:—

"(b) the international form of Indian numerals".Amendment of article 343.

**Amend-  
ment of  
article  
348.**

**3. In article 348 of the Constitution,—**

**(i) in clause (1),—**

**(a) in sub-clause (b) para (iii) for the words “shall be in the English language” the words “shall be in the Hindi language in Devanagari script” shall be substituted;**

**(b) the following proviso shall be inserted at the end, namely:—**

**“Provided that the President may, by order, authorise the use of the English language for any of the purposes referred to above for a limited period as may be specified in the Order.”.**

**(ii) the proviso to clause (2) shall be omitted.**

**(iii) for clause (3) the following clause shall be substituted, namely:—**

**“(3) Where the Legislature of a State has prescribed any language other than the Hindi language in Devanagari script for use in Bills introduced in, or Acts, passed by, the Legislature of the State or in Ordinances promulgated by the Governor of the State or in any order, rule, regulation or bye-law referred to in paragraph (iii) of sub-clause (b) of clause (1), a translation of the same in the Hindi language in Devanagari script or in the English language published under the authority of the Governor of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the Hindi language in the Devanagari script or in the English language, as the case may be, under this article.”**

**Amend-  
ment of  
article 351.**

**4. (1) Article 351 of the Constitution shall be renumbered as clause (1) of that article and in clause (1) as so re-numbered after the words “the spread of Hindi language” the words “at the national and international levels” shall be inserted.**

**(2) after clause (1) as so re-numbered the following clause shall be inserted, namely:—**

**“(2) For the proper development of the Hindi language at the national and international levels it shall be the duty of the Union to open free Hindi language teaching centres at appropriate places in all the non-Hindi speaking States in the country, and in all the Indian diplomatic missions abroad and start Hindi interpretation services there at and institute awards for learning Hindi by non-Hindi speaking people to secure the desired objectives in this regard.”**

## STATEMENT OF OBJECTS AND REASONS

Hindi language in Devanagari script is the official language of our country and it deserves that position because it is spoken by majority of the people in the country. Hindi is the link language to all the Indian languages because it is understood throughout the country from Kashmir to Kanya Kumari. In some States it is opposed due to political reasons only otherwise it is a well known fact that in Hindi language examinations held at various places in the country, the top positions are always obtained by the students belonging to non-Hindi speaking areas. The founding fathers of our Constitution made Hindi as the Official language but provided that for official purposes English language shall continue only for fifteen years from the commencement of the Constitution. It is a matter of regret that the English language, even after the forty-two years of the commencement of the Constitution is still sitting like an octopus over Hindi. When we could not restore the due place to our official language Hindi during the last four decades naturally it has hindered the development of various other Indian languages. It also hampers wider and broad based active participation by the citizens in the democratic, administrative and judicial processes of our country. The use of the English language in courts and other places has led to the exploitation of our poor and illiterate masses by the lawyers and authorities in the Administration.

Therefore, time has come to see that Hindi gets its due place in all the fields such as judicial, legislative and administrative fields in the country. Fifteen years time for use of English has elapsed long ago and now Hindi must replace English at all levels. There is no doubt that Hindi can be used for all Official purposes and its exclusive use in Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan, Haryana and Himachal Pradesh have shown that there is no difficulty in using Hindi as official language. Only determined will and efforts of the people and the Government are required in this direction. In the beginning non-Hindi States may face difficulty but they can use their own language for all official purposes but such States must decide not to use English as official or primary language. It should be used as secondary language. Moreover, it will be impractical to abolish English in one go. Therefore, it may be used to the extent necessary and unavoidable till Hindi is accepted by one and all in the country. The Union has to play a vital role in this direction by opening Hindi teaching centres in all the non-Hindi speaking States and in all the diplomatic missions abroad. Hindi interpretation Service may also be introduced there. All these steps may, achieve the desired results.

Hence this Bill.

S. S. AHLUWALIA.

### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that Central Government will open free Hindi language teaching Centres at various places for the proper development of Hindi. Clause 4 also provides for starting Hindi interpretation services at all diplomatic Centres and instituting awards for learning Hindi. Therefore, the Bill if enacted would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one crore per annum.

A non-recurring expenditure of rupees Twenty lakhs is also likely to be involved.

## V

## BILL NO. IX OF 1992

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

- |                                                                                                                                                                                                                                                             |                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1992.                                                                                                                                                                                       | Short title and commencement. |
| (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint;                                                                                                                                 |                               |
| 2. In article 16 of the Constitution,—                                                                                                                                                                                                                      | Amendment of article 16.      |
| (i) in clause (2),                                                                                                                                                                                                                                          |                               |
| (a) after the word "caste" the word "age" shall be inserted;                                                                                                                                                                                                |                               |
| (b) the following proviso shall be added at the end namely:—                                                                                                                                                                                                |                               |
| "Provided that Parliament may by law prescribe the minimum age required for appointment to a class or classes of employment under the Government or any local or other authority including a public sector undertaking within a State or Union territory."; |                               |

(ii) after clause (2), the following clause shall be inserted, namely:—

“(2A) Nothing in this article shall prevent Parliament from making any law prescribing the maximum or minimum age requirement in regard to appointment to a class or classes of employment or to posts in Armed Forces or para military forces or forces charged with the maintenance of public order.”

### STATEMENT OF OBJECTS AND REASONS

Unemployment is one of the major problems of our country. The number of unemployed persons is increasing menacingly throughout the country. Continuous unemployment and dependence on others for a long period leads to frustration among the unemployed job seekers. This frustration becomes acute when an unemployed job seeker crosses the age limit prescribed by the Central and State Governments for recruitment in Government jobs. Such a person loses all his hopes in life and in many cases becomes a criminal. These days such unemployed youth are being lured by terrorist and other anti-national organisations to commit terrorist and smuggling activities, etc. Hence in view of present acute unemployment situation in the country and the difficulties of the unemployed persons to get Government jobs within the prescribed age limit, it is proposed in this Bill that there should not be any age restriction in entry to Government jobs except in case of recruitment to Defence and other allied forces where physical fitness and sound health is a vital criterion. It will give a much desired relief to thousands of unemployed jobseekers who have crossed the prescribed age for entry into Government service and have become a frustrated lot. It will also keep their hopes alive for better life and get their desired employment.

Hence this Bill.

SURESH PACHOURI.

## VI

## BILL NO. X OF 1992

*A Bill to provide for the promotion of tourism to attract more foreign tourists in the country and for matters connected therewith in the country and for matters connected therewith.*

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title,  
extent  
and  
commencement.

1. (1) This Act may be called the Tourism Promotion Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the State Government and in all other cases the Central Government;

(b) “Board” means the National Tourism Promotion Board established under section 3;

(c) “foreign tourist” means a person who not being a citizen of India visits India for a period not exceeding six months with no other object than recreation, sight seeing or participating in a representative capacity in meetings convened by the Central Government or in international conferences or games;

VII of 1901.  
24 of 1958.

- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "tourist places" include all the places declared to be ancient monuments and archaeological sites and remains to be of national importance under the Ancient Monuments Preservation Act, 1901 and the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and such other places which are declared to be places of tourist importance by the Central Government from time to time by notification in the Official Gazette.

**3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board to be called the National Tourism Promotion Board.**

Establish-  
ment of  
the  
National  
Tourism  
Promo-  
tion-  
Board

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at Bhopal in the State of Madhya Pradesh and the Board may with the previous approval of the appropriate Government establish offices at other places in the country.

(4) The Board shall have such set up and such powers as the Central Government may determine from time to time.

**4. The Board shall,—**

Functions  
of the  
Board.

(a) promote, by such measures as it thinks fit, the all sided development of tourist places in the country;

(b) recognise small and medium class hotels who fulfil certain conditions prescribed by the Board throughout the country for the boarding and lodging of foreign and inland tourists therein;

(c) recognise shops, showrooms and such other business establishments dealing in handicrafts, handloom wares, antiquities, leather goods and such other items as may be specified by the Board from time to time which fulfil certain conditions notified by the Board, for being recommended for shopping by the foreign and inland tourists;

(d) make available tourism literature containing the list of tourist places, recognised hotels, shops and other business establishments, road maps, lists showing the approximate fares of various destinations in trains, local and inter State buses, local taxis and autorickshaws. Air services and rates to be charged by recognised hotels and business establishments and such other information as may be decided by the Board, to all the foreign tourists free of cost at all the Airports, Sea ports and such other places as may be decided by the Board in this regard;

(e) recognise transport companies operating tourist buses, taxis which fulfil the conditions notified by the Board;

(f) recognise qualified guides for the tourist places and fix their fees; and

(g) perform such other functions as may be assigned to it by the appropriate Government from time to time.

Prohibition of  
begging  
at tourist  
places.

5. (1) Notwithstanding anything contained in any other law for the time being in force begging in and around a tourist place in any form is hereby prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment which may extend to six months.

(3) It shall be the duty of the appropriate Government to keep the tourist places free from beggars.

Central  
Govern-  
ment to  
give pub-  
licity  
regard-  
ing  
tourism  
abroad.

6. It shall be the duty of the Central Government to give wide publicity to the tourism and facilities given to the foreign tourists in the country through the diplomatic missions and media abroad in such manner as may be prescribed.

Provi-  
sion of  
funds by  
Central  
Govern-  
ment.

7. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for,

(a) tourism promotion activities and measures undertaken by the Board; and

(b) administrative expenses of the Board.

Act to  
have  
overrid-  
ing effect.

8. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power  
to make  
rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

### STATEMENT OF OBJECTS AND REASONS

Tourism is one of the vital sectors of the country for earning the much needed foreign exchange and the country has the tourism potentials which need to be developed and tapped in a big way. There are beautiful beaches, hill sites, ancient cities, ancient monuments, places and sites of archaeological importance besides many places of pilgrimages and worship, which can be developed as important tourist centres to attract the foreign tourists. The Government is doing its level best but there are some deficiencies in various areas which result in avoidable difficulties to the foreign tourists in our country which gives a bad impression to them. They are not supplied free of cost the tourist literature at the Air and sea ports when they land in the country. Most of the foreign tourists are left to fend themselves. They have to locate travel information centres to know about the tourist places. All of them should be supplied with tourist literature free of cost at all the ports Air and sea, Railway Stations, bus terminals etc. which should contain information about important tourist places, list of hotels with approximate tariffs rail and other transport fares, markets and shops where shopping can be done and the areas which are not safe and so on and so forth. But we do not give any such literature to the foreign tourists. As a result they are fleeced to the extent possible by taxi and rickshaw operators, hotels shop keepers and almost by everyone who deal with them. It is a common sight at tourist places and other places where the tourists visit that they are followed by herds of beggars which not only annoy them but gives a bad name to the country as well. A tourist on return to his country narrates his sad experiences in our country. This discourages others from that country to visit our country. Thus we have to give some basic facilities like free comprehensive literature, guidance, accommodation, places of shopping etc. to the tourists, for this there should be an autonomous authority which should provide all the literature to the tourists, recognise small, medium and big hotels if they fulfil some criteria prescribed by it and it should also recognise tour operators, shops etc. But unfortunately, there is no autonomous Authority to deal solely with the development and promotion of tourism in the country.

Of course India Tourism Development Corporation (ITDC) is there but it cares, caters and bothers only for those foreign tourists who can afford five star hotels and luxury coaches. The ITDC does not bother for those foreign tourists who stay in small hotels in the Capital and other parts of the country and visit tourist places through common modes of transport. Even at these small hotels they are fleeced to the extent possible. They are also cheated by unscrupulous traders because those tourists have no knowledge about the actual rates of the hotels, means of transport, and goods displayed in shops. Unfortunately majority of foreign tourists can not afford five star facilities so we have to provide them cheap and good hotels, transport etc. to attract them in the country to earn more and more foreign exchange. Hence it is proposed in this Bill to establish an autonomous National Tourism Promotion

Board which will be responsible for the over all development of tourism in the country and to look after the foreign tourists well in the country so that a good impression goes abroad and more and more tourists can be attracted. It has also been proposed to prohibit begging in and around tourist places. It is hoped that all these measures will give a boost to the tourism in the country.

Hence this Bill.

SURESH PACHOURI.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Tourism Promotion Board. Clause 7 provides for the provision of funds by Central Government. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crores is likely to be incurred from the Consolidated Fund of India annually.

A non recurring expenditure of rupees one hundred crore is also likely to be incurred.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 empowers the Central Government to make rules for carrying out the purposes of this Bill. The matters will relate to details only. The delegation of legislative power is of normal character.

## VII

BILL No. VI of 1992

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short  
title  
and  
commencement.

Amend-  
ment of  
article  
77.

1. (1) This Act may be called the Constitution (Amendment) Act, 1992.

(2) It shall come into force with immediate effect.

2. In article 77 of the Constitution to clause (1) the following proviso shall be added, namely:—

"Provided that every agreement, treaty, memorandum of understanding, contract or deal entered into by the Government of India including borrowing under article 292 of the Constitution with any foreign country or international organisation of social, economic, political financial or cultural nature and settlements relating to trade, tariff and patents shall be laid before each House of Parliament prior to the implementation of such agreement, treaty, memorandum of understanding, contract or deal and shall operate only after it has been approved by resolutions of both Houses of Parliament."

### STATEMENT OF OBJECTS AND REASONS

With the increasing role of and interference by the International organisations in the socio-economic life and policies of nations and bilateral and multi-lateral negotiations and agreements entered into by nations with far-reaching ramifications the possibility of some of such agreements and memorandum of understanding coming into conflict with larger and long term interests of the country is obvious. In the background of the ongoing negotiations on part of the GATT there is widespread demand that Parliament and people must be taken into confidence before any decision is taken on these issues having a serious bearing on the economic sovereignty of the country.

Hence the Bill.

M. A. BABY.

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SUDARSHAN AGARWAL,  
*Secretary-General.*

